

1 Robert J. Kane (SBN 50856)  
2 rkane@stuartkane.com  
3 STUART KANE LLP  
4 620 Newport Center Drive, Suite 200  
5 Newport Beach, CA 92660  
6 Telephone: (949) 791-5127  
7 Facsimile: (949) 791-5227

8 Max C. Fischer (SBN 226003)  
9 mfischer@sidley.com  
10 SIDLEY AUSTIN LLP  
11 555 West Fifth Street  
12 Los Angeles, California 90013-1010  
13 Telephone: (213) 896-6000  
14 Facsimile: (213) 896-6600

15 Angela C. Zambrano (Texas Bar No. 24003157)  
16 angela.zambrano@sidley.com  
17 Sidley Austin LLP  
18 2001 Ross Avenue, Suite 3600  
19 Dallas, Texas 75201  
20 Telephone: (214) 981-3405  
21 Facsimile: (214) 981-3400

22 Attorneys For Petitioners  
23 ACCENTCARE, INC. and ACCENTCARE OF  
24 CALIFORNIA, INC.

25 **UNITED STATES DISTRICT COURT**  
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 SHARINA McNEAL, individually and on  
28 behalf of other aggrieved employees under the ) Case No. 3:15-cv-03304-KAW  
29 Labor Code Private Attorneys General Act of )  
30 2004, ) [PROPOSED] ORDER GRANTING  
31 Plaintiff, ) PETITIONERS' PETITION TO COMPEL  
32 ) ARBITRATION AND STAY  
33 ) PROCEEDINGS  
34 vs. ) Magistrate Judge Kandis A. Westmore  
35 )  
36 ACCENTCARE, INC., ACCENTCARE OF )  
37 CALIFORNIA, INC., and DOES 1 through 50, )  
38 )  
39 Defendants. )

Petitioners AccentCare, Inc. and AccentCare of California, Inc.'s (together, "Petitioners") Petition to Compel Arbitration and Stay Proceedings came on for hearing on September 3, 2015, at 11:00 a.m., before the Honorable Magistrate Judge Kandis A. Westmore at the Oakland Courthouse of the above-entitled Court. Robert J. Kane and the law firm of Sidley Austin LLP appeared on behalf of Petitioners. The law firm of The Ottinger Firm, P.C. appeared on behalf of Plaintiff-Respondent Sharina McNeal ("Respondent").

The Court, having considered all of the moving, opposition and reply papers, and the arguments of counsel, found that the Federal Arbitration Act applies and that the arbitration agreement between Respondent and Petitioners is valid and enforceable and thereby granted Petitioners' petition to compel Respondent to arbitrate all of her claims against Petitioners. The Court further found that the arbitration agreement between the parties requires individual arbitration of Respondent's claims against Petitioners, and thereby ordered the arbitration to proceed on an individual basis.

**NOW, THEREFORE, IT IS ORDERED** that Respondent must submit her individual claims against Petitioners to binding individual arbitration in accordance with the terms of the arbitration agreement.

DATED: \_\_\_\_\_

HONORABLE MAGISTRATE JUDGE KANDIS A.  
WESTMORE